

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

TAMPA Division

2013 JUN 10 PM 1:18

CIVIL RIGHTS COMPLAINT FORM

TO BE USED BY PRISONERS IN ACTIONS UNDER 28 U.S.C. § 1331 or § 1346

CLERK, US DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

MICHAEL KENDRICK

Inmate # 759555
(Enter full name of Plaintiff)

vs.

CASE NO:

8:13CV1512T30MAR
(To be assigned by Clerk)

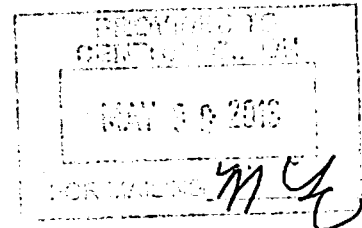
SOCIAL SECURITY ADMINISTRATION

TAMPA REGIONAL OFFICE

(Enter name and title of each Defendant.

If additional space is required, use the

blank area below and directly to the right.)



ANSWER ALL QUESTIONS ON THE FOLLOWING PAGES:

2.8

I. PLAINTIFF:

State your full name, inmate number (if applicable), and full mailing address in the lines below.

Name of Plaintiff: MICHAEL KENDRICK
Inmate Number: TS9555
Prison or Jail: CENTURY CORRECTIONAL Institution
Mailing address: 400 TEDDER ROAD
CENTURY, FLORIDA 32535

II. DEFENDANT(S):

State the name of the Defendant in the first line, official position in the second line, place of employment in the third line, and mailing address. Do the same for every Defendant:

(1) Defendant's name: _____
Official position: _____
Employed at: SOCIAL SECURITY ADMINISTRATION (TAMPA)
Mailing address: 3415 EAST FRONTAGE ROAD
TAMPA, FLORIDA 33607

(2) Defendant's name: _____
Official position: _____
Employed at: _____
Mailing address: _____

(3) Defendant's name: _____
Official position: _____
Employed at: _____
Mailing address: _____

ATTACH ADDITIONAL PAGES HERE TO NAME ADDITIONAL DEFENDANTS

III. EXHAUSTION OF ADMINISTRATIVE REMEDIES

Pursuant to 42 U.S.C. § 1997e(a), exhaustion of administrative remedies is required prior to initiating a civil rights action which alleges unlawful conditions or events in any prison, jail, or detention center. Plaintiff is warned that any claims for which the administrative grievance process was not completed prior to filing this lawsuit may be subject to dismissal.

IV. PREVIOUS LAWSUITS

NOTE: FAILURE TO DISCLOSE ALL PRIOR CIVIL CASES MAY RESULT IN THE DISMISSAL OF THIS CASE. IF YOU ARE UNSURE OF ANY PRIOR CASES YOU HAVE FILED, THAT FACT MUST BE DISCLOSED AS WELL.

- A. Have you initiated other actions in state court dealing with the same or similar facts/issues involved in this action?
 Yes() No(☒)

1. Parties to previous action:
 - (a) Plaintiff(s): N/A
 - (b) Defendant(s): N/A
2. Name of judge: N/A Case #: N/A
3. County and judicial circuit: N/A
4. Approximate filing date: N/A
5. If not still pending, date of dismissal: N/A
6. Reason for dismissal: N/A
7. Facts and claims of case: N/A

(Attach additional pages as necessary to list state court cases.)

- B. Have you initiated other actions in federal court dealing with the same or similar facts/issues involved in this action?

Yes() No(☒)

1. Parties to previous action:
 - a. Plaintiff(s): N/A
 - b. Defendant(s): N/A
2. District and judicial division: N/A
3. Name of judge: N/A Case #: N/A
4. Approximate filing date: N/A
5. If not still pending, date of dismissal: N/A
6. Reason for dismissal: N/A

7. Facts and claims of case: N/A

(Attach additional pages as necessary to list other federal court cases.)

- C. Have you initiated other actions (*besides those listed above in Questions (A) and (B)*) in either state or federal court that relate to the fact or manner of your incarceration (including habeas corpus petitions) or the conditions of your confinement (including civil rights complaints about any aspect of prison life, whether it be general circumstances or a particular episode, and whether it involved excessive force or some other wrong)?

Yes()

No(✓)

If YES, describe each action in the space provided below. If more than one action, describe all additional cases on a separate piece of paper, using the same format as below.

1. Parties to previous action:
 - a. Plaintiff(s): N/A
 - b. Defendant(s): N/A
2. District and judicial division: N/A
3. Name of judge: N/A Case #: N/A
4. Approximate filing date: N/A
5. If not still pending, date of dismissal: N/A
6. Reason for dismissal: N/A
7. Facts and claims of case: N/A

(Attach additional pages as necessary to list cases.)

- D. Have you ever had any actions in federal court dismissed as frivolous, malicious, failing to state a claim, or prior to service? If so, identify each and every case so dismissed:

Yes()

No(✓)

1. Parties to previous action:
 - a. Plaintiff(s): N/A
 - b. Defendant(s): N/A
2. District and judicial division: N/A
3. Name of judge: N/A Case Docket # N/A
4. Approximate filing date: N/A Dismissal date: N/A
5. Reason for dismissal: N/A

6. Facts and claims of case: NIA

(Attach additional pages as necessary to list cases.)

V. STATEMENT OF FACTS:

State briefly the FACTS of this case. Describe how each Defendant was involved and what each person did or did not do which gives rise to your claim. In describing what happened, state the names of persons involved, dates, and places. Do not make any legal arguments or cite to any cases or statutes. You must set forth separate factual allegations in separately numbered paragraphs. You may make copies of this page if necessary to supply all the facts. Barring extraordinary circumstances, no more than five (5) additional pages should be attached. (If there are facts which are not related to this same basic incident or issue, they must be addressed in a separate civil rights complaint.)

PETITIONER FILED A REQUEST UNDER FREEDOM OF INFORMATION / PRIVACY ACT, 5 U.S.C. 552; 552(a) FOR DISCLOSURE OF "ALL RECORDS, DOCUMENTS, WHETHER COMPUTER GENERATED OR OTHERWISE" RELATED TO CLAIM AND APPLICATION FOR SOCIAL SECURITY DISABILITY BENEFITS SUBMITTED DURING APRIL/MAY, 2005 AND ANY ADMINISTRATIVE DECISION AND AGENCY INVESTIGATION AND/OR EVALUATION RELATED THERETO ON THE DATE OF OCTOBER 1, 2012, DIRECTED TO RESPONDENTS, SOCIAL SECURITY ADMINISTRATION, TAMPA REGIONAL OFFICE, 3415 EAST FRONTAGE ROAD, TAMPA, FLORIDA 33607. (EXHIBIT "A"). THE RESPONDENTS, SOCIAL SECURITY ADMINISTRATION FAILED TO ACKNOWLEDGE RECEIPT OF THE FOIA / PRIVACY ACT REQUEST (EXHIBIT "A") RECEIVED BY THE AGENCY VIA U.S. MAIL OR ACKNOWLEDGE RECEIPT THEREOF REQUESTING DISCLOSURE AND PRODUCTION OF THE SOUGHT RECORDS / DOCUMENTS IN ACCORDANCE WITH THE 10-DAY PERIOD FOR ACKNOWLEDGMENT OF RECEIPT OF THE FOIA / PRIVACY ACT REQUEST AND DISCLOSURE REQUIREMENTS IN ACCORDANCE WITH AGENCY REGULATIONS; STATUTORY MANDATE, 5 U.S.C. 552; 552(a). SAID AGENCY REGULATIONS AS DULY PROMULGATED ARE BINDING AS LAW.

PETITIONER ASSERTS THAT THE AGENCY IS LAWFULLY REQUIRED TO DISCLOSE THE RECORDS AND/OR DOCUMENTS SOUGHT IN ACCORDANCE WITH REGULATIONS, STATUTE UPON PETITIONER'S SIGNED, WRITTEN CONSENT. THE RECORDS/DOCUMENTS WERE ADEQUATELY DESCRIBED AS TO ALLOW RESPONDENT, SOCIAL SECURITY ADMINISTRATION, ITS AGENTS TO CONDUCT A EXTENSIVE SEARCH OF FILES, COMPUTER INDEXES AND/OR FILES TO ALLOW TIMELY DISCLOSURE. FAILURE TO ACKNOWLEDGE RECEIPT WITHIN THE 20-DAY PERIOD VIOLATES 5 U.S.C. 552, 552(a) AND REGULATIONS RELATED THERETO. RESPONDENT'S WILLFUL FAILURE TO ACKNOWLEDGE RECEIPT OF THE FOIA/ PRIVACY ACT REQUEST (EXHIBIT "A") VIOLATES STATUTE, REGULATIONS, DIRECTIVES AS DULY PROMULGATED WHICH ARE BINDING AND HAVE FULL FORCE AND EFFECT OF LAW. PETITIONER IS LAWFULLY ENTITLED UNDER THE DISCLOSURE PROVISIONS OF THE FREEDOM OF INFORMATION/ PRIVACY ACT, AS ENUMERATED, 5 USC 552, 552(a) OF RELEASE OF SOCIAL SECURITY DISABILITY CLAIMS; RECORDS, DOCUMENTS, APPLICATIONS FOR BENEFITS BETWEEN NOVEMBER 1, 2004 THROUGH JULY 11, 2005 FROM RESPONDENTS DUE TO RESPONDENT'S FAILURE TO ACKNOWLEDGE RECEIPT OF PETITIONER'S FREEDOM OF INFORMATION / PRIVACY ACT; OFFER A TIMELY ACKNOWLEDGMENT AND DISCLOSE THE REQUESTED FOIA/ PRIVACY ACT DOCUMENTS AND RECORDS WHICH WERE FULLY DISCLOSEABLE CANNOT BE SAID TO HAVE BEEN REASONABLE AND ANY SEARCH CONDUCTED, IF ANY WAS ADEQUATE. ^① STATUTE 5 U.S.C. 552(a)(6)(A)(i), REQUIRES A AGENCY TO DETERMINE WITHIN 20 DAYS... AFTER RECEIPT OF LA7 REQUEST WHETHER TO COMPLY WITH SUCH REQUEST. IF THE AGENCY DOES NOT MEET THE DEADLINE, THE REQUESTOR CAN IMMEDIATELY SUE TO OBTAIN THE REQUESTED RECORDS AND HE SHALL BE DEEMED TO HAVE EXHAUSTED HIS ADMINISTRATIVE REMEDIES BECAUSE OF THE AGENCY'S TARDINESS. See, *Judicial Watch v. Rossotti*, 285 F.Supp. 2d 17, 26 (D.C. Cir. 2003)(quoting, 5. U.S.C. 552(a)(6)(C).

PETITIONER IS ENTITLED TO ALL RELIEF SOUGHT.

1. *WEISBERG v. United STATES DEPARTMENT OF JUSTICE*, 705 F.2d 1344, 1351 (D.C. Cir. 1983).

VI. STATEMENT OF CLAIMS:

State what rights under the Constitution, laws, or treaties of the United States you claim have been violated. Be specific. Number each separate claim and relate it to the facts alleged in Section V. If claims are not related to the same basic incident or issue, they must be addressed in a separate civil rights complaint.

RESPONDENT, SOCIAL SECURITY ADMINISTRATION FAILED TO
COMPLY WITH THE STATUTORY DISCLOSURE REQUIREMENTS OF
FREEDOM OF INFORMATION / PRIVACY ACT, 5 U.S.C. 552, 552(a)
AS DULY PROMULGATED BY AGENCY ADMINISTRATIVE
REGULATIONS AND DIRECTIVES AS DULY PROMULGATED BY
THE AGENCY WHICH HAVE FULL FORCE AND EFFECT OF
LAW WHEN FAILING TO DISCLOSE RECORDS, DOCUMENTS
REGARDING APPLICATION FOR SOCIAL SECURITY BENEFITS, AND
RELATED DOCUMENTS IN AGENCY POSSESSION.

VII. RELIEF REQUESTED:

State briefly what relief you seek from the Court. Do not make legal arguments or cite to cases/ statutes.

I. ISSUE DECLARATORY JUDGEMENT AGAINST RESPONDENT IN FAVOR
OF PETITIONER / PLAINTIFF DECLARING RESPONDENT FAILED TO COMPLY
WITH 5 USC 552, 552 (A) DISCLOSURE REQUIREMENTS.

II ORDER IMMEDIATE DISCLOSURE OF RECORDS, DOCUMENTS BY RESPONDENT
TO PETITIONER. JUNE 1994 - JAN 1995 RELATED SSD DETERMINATIONS
SLAMPED LEGAL MAIL ON ENVELOPE.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING STATEMENTS OF FACT, INCLUDING ALL CONTINUATION PAGES, ARE TRUE AND CORRECT.

MAY 30, 2013
 (Date)

Michael A. Kendrick
 (Signature of Plaintiff)

IF MAILED BY PRISONER:

I declare (or certify, verify, or affirm) under penalty of perjury that this complaint was (check one):

☒ delivered to prison officials for mailing or ☐ deposited in the prison's internal mail system on: the 30th day of MAY, 2013.

Michael A. Kendrick
 (Signature of Plaintiff)